

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

DAVID STEVEN BRAUN,

Plaintiff,

vs.

FEDERAL COMMUNICATIONS
COMMISSION,

Defendant.

CV 15-00075-BLG-SPW-CSO

FINDINGS AND RECOMMENDATIONS
OF UNITED STATES MAGISTRATE
JUDGE

Although a number of motions are pending in this matter, most recently Mr. Braun filed a document entitled, “Motion to Withdraw Previous Request to Keep this Case Open.” *ECF 16*. In the motion, Mr. Braun asks that the Court close the case as soon as is convenient. The motion has been construed as a motion to voluntarily dismiss this case pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

Defendant did not respond to the motion. Pursuant to Local Rule 7.1(d)(1)(B)(ii), the “failure to file a response brief may be deemed an admission that the motion is well-taken.” Additionally, in light of the absence of any filed objection, the Court reasonably assumes that the Defendant has no objection to voluntary dismissal.

Accordingly, IT IS HEREBY RECOMMENDED that the Motion to Withdraw Previous Request to Keep this Case Open (*ECF 16*) be GRANTED and that this matter be DISMISSED WITHOUT PREJUDICE. The Clerk of Court should be directed to close this matter and terminate all pending motions.

NOTICE OF RIGHT TO OBJECT TO FINDINGS & RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT

The parties may file objections to these Findings and Recommendations within fourteen (14) days after service (mailing) hereof. 28 U.S.C. § 636. Failure to timely file written objections may bar a de novo determination by the district judge and/or waive the right to appeal.

This order is not immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Fed.R.App.P. 4(a), should not be filed until entry of the District Court's final judgment.

DATED this 8th day of February, 2016.

/s/ Carolyn S. Ostby
United States Magistrate Judge